BETWEEN THE SPECIES

What the Wild Things are: A Critique on Clare Palmer's "What (If Anything) Do We Owe Animals?"

ABSTRACT

In this critique of Clare Palmer's "What (if anything) do we owe wild animals?", I develop three points. First, I consider the case study which opens her essay and argue that there are good empirical reasons to think that we should assist domesticated horses and not wild deer. Then, I critique Palmer's claim that "wildness is not a capacity," arguing that wildness connotes certain capacities which wild animals generally have and which domesticated animals generally lack. Lastly, I develop what I call the "supererogation problem" against Palmer's preferred contextualist view, claiming that while the contextualist view doesn't obligate us to eliminate predators and otherwise redesign nature in the name of wild animal welfare, it may nonetheless allow such interventions. This suggests that the problem with both utilitarian and contextualist views arises from their shared theory of value and not their theory of obligation.

JOEL P. MACCLELLAN
University of Tennessee, Knoxville
jmacclel@utk.edu

Volume 16, Issue 1

Jun 2013

© *Between the Species*, 2013
<http://digitalcommons.calpoly.edu/bts/>

The issues Clare Palmer addresses in “What (if Anything) Do We Owe Wild Animals?” are timely and important. Since its inception in the 1970’s, animal ethics has been primarily concerned with our treatment of *domesticated* animals, particularly in agriculture, research, and entertainment. By contrast, the moral issues concerning *wild* animals have been treated largely as secondary, and such treatments are often inadequate. For example, in *Animal Liberation* (1975), the first seminal text in the contemporary animal ethics canon, Peter Singer dedicates a chapter to animal agriculture and another to animal research, yet discussion of the implications of his view for wild animals is dealt with in passing. However, wild animals outnumber domesticated animals by many orders of magnitude. Furthermore, life in the wild is “red in tooth and claw” (Tennyson 1849), and is some combination of “nasty, brutish, and short” for the majority of animals (Hobbes 2008, 86). So, the issues Palmer raises in her paper and book, *Animal Ethics in Context*, are important ones and address a gap in animal ethics scholarship. Palmer’s Contextual (or Relational) View is similar in spirit to Mary Midgley’s view in *Animals and Why They Matter* in that obligations towards animals depend on our relationship with them (Midgley 1983). However, Palmer’s view is novel because it focuses on giving an account of *why* our obligations to domesticated animals should differ from our obligations to wild animals.

As this piece is a commentary on Palmer’s paper, I take for granted familiarity with that work—see above in this volume of *Between the Species*—and will move straight to my critical comments, of which I will raise three. First, I offer a critique of the case raised by Palmer, which is that the facts of such a case, not relations or context, explain why our judgments about the case differ. I then raise a second, related point which critiques

Palmer's claim that wildness is not a capacity. Third, I raise a potential problem for Palmer's contextual view, the gist of which is that it faces a problem quite similar to the demandingness problem which she levies against utilitarianism.

1. Horses, Deer, and Coyotes: The Devil's in the Details

Palmer opens her discussion by asking us to consider a case involving horses and deer. In the case, you are hiking on a cold day in the middle of a hard winter. In a farmer's field, you see a couple of horses without shelter, potable water, or food. In the same field, you also see some deer—a doe and a fawn—which also lack shelter, food, and water. Should you help the horses, and if so, does this mean that you should also help the deer? Note that I've left out the coyote, as this introduces further complexities such as competing animals' interests.

Palmer has it right in my case; I think that I probably should help the horses, but probably should not help the deer. The question is what explains *why* we—or at least *I*—think this way, and whether we should think this way. All case studies are, to varying degrees, incomplete. I think part of the explanation for why we think this way is because we fill in the gaps of cases such as this, and this merits some critical discussion.

Later in the paper, Palmer adds some relevant facts to the case. Domesticated horses are “more vulnerable to the cold than wild horses (they have thinner, sleeker coats). They have been confined by fences in a field, making it impossible for them to independently seek shelter or food elsewhere.” So, these horses are without food, water, and shelter, and are incapable of doing anything about it. Now, do we imagine that the farmer has sequestered and confined the deer? I don't suspect

JOEL P. MACLELLAN

that we do. However, if the farmer is holding the deer captive and depriving them of food, water, and shelter, I think that we ought to intervene for the very same reasons as for the horses. I do not see any morally relevant difference between the horses and deer if this were the case.

But I don't suspect that's how we imagine the deer case. The deer are there because, in some sense, they want to be. Several questions come to mind about the case. Why aren't they doing anything to better their situation? Why don't they wander down to a stream for a drink if they are thirsty? Why did they leave their deeryards—wooded areas of softwood species where deer pass the winter, and which provide protection from wind, forage to browse on, a system of trails to monitor and evade predators, and which are typically south-facing for sun exposure—and enter this field exposed to the elements? It is also relevant that, unlike horses, whitetail deer are, shall we say, better “dressed” for winter weather. They are so well insulated by thick winter coats and subcutaneous fat that snow can accumulate on their fur without melting. They don't eat much in the winter either. About half of their winter caloric intake comes from fat stores. So, there are good empirical reasons which help explain why our intuitions differ between the horse and deer cases. Deer are generally free to get on with the business of living and are better equipped to pass the winter, whereas the horses are sequestered in a field and less well equipped to pass the winter.

It bears mentioning that the moral issues raised by the case are not purely fictional. Feeding deer is an increasingly common practice in many areas, by both individuals and institutions. Some businesses now do it as a way to attract customers. Feeding deer in the winter creates many problems for them. It draws deer out of deeryards and into what Palmer calls the

“contact zone” between fully wild and domesticated spaces. This has several negative consequences. It results in more deer-traffic accidents, predators are drawn to the unnaturally high concentrations of deer in the area (devoured carcasses are often found near feeding sites), and can facilitate the spread of disease.

In fact, some biologists argue *on welfarist grounds* that we shouldn’t feed deer at all. Kent Gustafson, deer project leader for New Hampshire Fish and Game says that “quality natural habitat provides the best insurance for deer survival in winter. If you care about deer, leave them alone—let them be wild, and find natural foods and appropriate winter shelter on their own” (Gustafson and Vachon 2010). Furthermore, deer receive little nutritional value from new food for approximately two weeks after feeding because, as ruminants, their intestinal fauna have to adjust to the change in diet. Commenting on this, Gustafson adds that “ironically, while well-intentioned people try to help the deer by feeding, they may be harming them due to the time and energy needed to convert the microorganisms” (Gustafson and Vachon 2010). So even Palmer’s conservative claim, that “we can at least expect that nourishing food at this point will reduce their total winter suffering,” may turn out not to be untrue.

Don’t get me wrong, I am sympathetic with the drive to assist those in need, human and nonhuman, when doing so is actually beneficial. I am not suggesting that we should never intervene in the lives of wild animals out of concern for their lives, welfare, or rights. My point is that oftentimes what we think will help only makes things worse. For example, well-intentioned people “save” what they see as poor abandoned fawns every spring and take them to veterinary hospitals and the like. These animals are fostered by wildlife rehabilitators at great cost in

terms of time, effort, and money, and then reintroduced into the wild after a year or two. The problem is that does often leave fawns hidden in the spring. What these would-be rescuers have done is separate mother and child. A knee-jerk sentimentalism and a biologically informed welfarist ethic have different rather practical implications.

It seems, then, that there are straightforward empirical reasons to think that what Palmer calls “the Capacity-Oriented, Consequentialist View,” i.e. utilitarianism, can account for the intuition that neglected domesticated horses and wild deer merit different actions on our part. I appreciated it when Colin Allen said (referring to Quintelier *et al.* 2011) that “normative ethics does not need a foundation: it needs more science” in his earlier talk “Ethics, Law, and the Science of Fish Welfare” at the March 2012 Animals, Ethics, & Law Symposium at the University of Tennessee. Biology matters. This is at surely true, to a point. However, I doubt all cases are resolvable simply by introducing more facts. I’m not prepared to give up ethics just yet, and I don’t suspect Palmer is either.

2. Wildness as Capacity

I’ll move on to my second point, which builds on the first. Palmer says that, for consequentialism, “the distinction between ‘wild’ and ‘domesticated’ is of no moral interest.” Why not? She answers that “Wildness is not a capacity,” but doesn’t defend this assessment. Recall that by “wild animals,” we mean this in the sense that animals have not been domesticated, which Palmer calls constitutively wild animals. In *Animal Ethics in Context* she understands “domesticated” in terms of the presence of a certain kind of relationship with humans, and “wild” as the absence of this relationship with humans (Palmer 2010, 7-8; 63-65). The relationships that domesticated animals have

with humans makes them vulnerable and dependent on us, and the creation of these vulnerabilities and dependencies generates positive obligations towards them, obligations which are absent in the case of wild animals.

I don't see the contextual backstory or relationship as being necessary to explain the vulnerability and dependency of domesticated animals, or at least not in a way that is not also open to appeal by consequentialists.

The idea that wildness is not a capacity strikes me as very curious. It makes perfectly good sense to say that "wildness" conveys certain capacities, capacities which domesticated animals lack. The above discussion of the differences between domesticated horses and wild deer implicitly suggested that these animals have rather different capacities. More generally, wild animals have many biological and behavioral adaptations suited to their particular forms of life in their particular environments. While not always realized, these adaptations aim at survival and reproduction independent from humans. Similarly, the vulnerabilities and dependencies created by domestication can be understood as the *absence* of such a capacity for self-sufficiency. Their bodies and their behavior have been redirected, to greater and lesser extents, towards our ends and away from the ends of survival and reproduction in their original ecological niches. Domesticated animals generally lack the capacity of going it alone, and wild animals generally possess this capacity.

Now on a strict utilitarian view, wildness *as such* isn't morally significant, but it does get at the fact that, because wild animals are better able to procure their welfare on their own than are the more vulnerable and dependent domesticated animals, there is less reason for intervention on moral grounds.

This goes some distance, if not all the way, towards explaining our different intuitions about cases involving wild and domesticated animals. The claim that we need a relational account of obligation to account for different obligations towards wild and domesticated animals is undercut if wildness is a capacity.

3. The Supererogation Problem

Now let's wade out into deeper philosophical waters. One of the objections Palmer raises about the capacity-oriented, consequentialist view is that it demands too much. This stock objection to utilitarianism is that the deontic principle of utilitarianism—the value-maximizing greatest happiness principle, which asks us to act so as to realize the greatest good for the greatest number—simply asks more of us than a moral theory should ask of us. Palmer argues that this principle of value maximization, combined with the capacity-orientation—the view that the only morally valuable capacity which animals have is the capacity to experience pleasure and pain—entail or suggest that we have the same obligations to the horse as to the deer. However, Palmer's concern is that this makes our obligations overly burdensome since there are so many deer out there in need of assistance.

Note that this concern arises not just for single cases such as the deer, but broader issues as well, such as eliminating predator species and perhaps any species the members of which have a negative net welfare or which contribute negatively to the welfare of others, on balance. After all, it isn't just predators that seem to depress the hedonic economy. Parasites and diseases do as well. Perhaps what utilitarianism requires is the elimination of *all* wild animals and their replacement with domesticated ones, realizing a pastoral ideal where "the wolf will live with the lamb, the leopard will lie down with the goat"

(Isaiah 11:6). If utilitarianism really does entail and not merely suggest that we have such obligations, then it is at best counterintuitive and at worst untenable. There is a rich tradition of debate on the supposed demandingness and its import in the literature about utilitarianism more generally, and so I'll leave the general point aside.

However, it's not clear that, if utilitarianism really is so demanding with respect to wild animal assistance, that the contextual view is superior, for it faces a similar problem. The worry is that, whereas utilitarianism *demand*s too much of us if it requires us to police nature, this contextual view *allow*s too much if it allows us to police nature. I'll call this the supererogation problem.

I should first show how the contextual view is open to this supererogation problem. Palmer says that "many people would think that... they would have no moral requirement to [assist] the deer, nor protect the fawn from the coyote." Elsewhere, she adds that "the contextual view doesn't maintain that assisting wild animals would necessary be *wrong*; rather, it just claims that we don't normally have special obligations to assist..." In contrast, we have no obligations to assist on the contextual view because we are not in a relationship with wild animals, and it is relationships which ground such positive obligations. Later, Palmer adds that a "contextual view wouldn't *forbid* [reducing the amount of suffering in nature or shaping nature differently] but it does not *follow* from the view..." So, while it is not entailed by the contextual view that one *must* reduce suffering and reshape nature, one *may*. In short, "fixing" nature would be *permissible* on the contextual view. Furthermore, if we ungird the contextual view of obligation with a hedonistic view of value, then it certainly appears to not merely be *permissible*

to reengineer nature, but supererogatory to do so insofar as it increases the balance of pleasure over pain.

Palmer adds that on the contextualist view “there would be no reason to aim to reduce the amount of suffering in nature by managing or shaping it differently, assuming we could do so successfully.” Why would there be no reason to aim to reduce the amount of suffering? In her paper, Palmer argues that some animals have moral status, meaning that many nonhuman animals have an experiential welfare, and draws attention to the fact that they can feel pain in particular, making them, “the kind of being whose interests should factor into our decision-making.” It sounds, then, that there *is* a reason to consider animals’ pleasure and pain into our moral decision-making, for morality is more than mere obligation.

I don’t wish to defend any particular view of normative theory. Nor do I have anything in particular to say about the distinction between obligation and supererogation, save that, from the perspective of wanting to be a good person, the difference between what we are *morally required* to do and what it would *be good for us to do* is not the only or primary question. We may wish to do, and certainly may do, what is best even if we are not obligated to do so. As individual, this might not amount to much of a concern, but we can imagine a group of individuals working together to prevent predation and otherwise redesign nature into a happier place. Such a Supererogation Squad is not acting out of duty, but because they want to do what’s best. They “try to make [animals’] lives better, in whatever ways [they] can, including preventing the existence of animals that, overall, will make the lives of other animals worse.”

My aim in raising this supererogation problem is not to ridicule contextualism *or* consequentialism as general moral views. Recall that I began this point by discussing Palmer's wild animal version of the demandingness objection to utilitarianism. That objection is supposed to be levied at the normative principle of value maximization in utilitarianism. I then tried to show that if we accept hedonism as the theory of value, then the contextualist view of obligation allows (but does not require) the very same interventions. So, if it is considered problematic that the utilitarian view *demand*s such interventions, then it should also be considered problematic that the contextualist view *allows* such interventions. As an aside, note that the supererogation problem occurs for nonmaximizing consequentialisms too. For example, satisficing (Slote 1984) and progressive (Jamieson and Elliot 2009) consequentialisms both try to reduce the demandingness of the deontic principle of value maximization, but they nonetheless permit that we go above and beyond the call of duty.

If my analysis here analysis is on track, then the *real* issue is not the deontic principle at play—contextualist, value maximizing, or what have you—but the conception of value *informing* such a principle. It is not that utilitarianism demands too much, but rather, *it demands the wrong things*. Similarly, it is not that the version of the contextualist view under consideration demands too much nor that it demands too little, but rather, it allows the wrong things. I have tried to show that, if we leave hedonism in place on either view of obligation, we still seem to get an objectionable result from the theory: widespread intervention into the lives of wild animals. On the rough seas of morality, if we end up where we never wanted to be, perhaps the navigational tool is to blame.

It bears mentioning that Palmer endorses such a subjectivist view of value in *Animal Ethics in Context* (Palmer 2010, 9-24). In this more recent paper currently under consideration, she claims that the contextual view holds that “factors other than capacities and their expression may be of direct moral significance.” So, the supererogation problem perhaps has traction against Palmer’s view in *Animal Ethics in Context* more so than the more recent paper, if there turn out to be additional factors other than animals’ capacities to experience pleasure and pain of direct moral significance on the view, and if they point in different directions than the hedonistic view. It is also worth pointing out that concerns about utilitarianism arise from its hedonistic view of value and not its principle of value maximization. It remains to be seen whether versions of consequentialism more subtle than utilitarianism avoid Palmer’s reservations about wild animals. Such consequentialisms may be demanding, but they just might demand the right things.

The elephant in the room is the potential role of conceptions of well-being other or more than a subjective, hedonistic view, and perhaps the role of environmental values which have nothing to do with well-being as well. Palmer claims that the contextualist view will “coincide to some extent with a wildness-preserving environmental ethics.” If the supererogation problem is as serious as I have suggested, it seems that a contextual view only coincides with a wildness-preserving environmental ethics if we satisfy the moral minimum *or* reject hedonism. I hold out the hope that a wildness-preserving ethic turns out to be both an animal ethic and an environmental ethic.

Furthermore, Palmer wishes to table the question of environmental value and focus solely on our obligations to animals. However, it’s not clear that we can or should separate the two

for *wild* animals. That is, we might get an answer for how we ought to act towards wild animals *qua* animals, but this may turn out to be altogether different than how we ought to act in cases involving wild animals, all things considered.

I argued above in section 2 that wildness connotes certain capacities conducive to survival and reproduction that domesticated animals lack, and that this conception of wildness is a way of understanding why our obligations towards wild animals differ from our obligations to domesticated animals. However, the value of wildness may turn out to be more than merely instrumentally valuable to the production of subjective well-being. The 20th century American naturalist Edwin Way Teale writes: “Those who wish to pet and baby wild animals ‘love’ them. But those who respect their natures and wish to let them live normal lives, love them more” (Teale 1987, 71). Teale’s suggestion is that letting animals be respects their value more than the alternative, coddling sentimentalist view. Perhaps what we owe wild animals in general is not, in a word, happiness, but something more like liberty and the *pursuit* of happiness. If there is something to this alternative conception of the value of wildness, then concerns about policing nature are cut off much earlier.

4. Conclusion: A Tale of Two Metaphors

I’d like to end on a cautionary note with a pair of metaphors: Prometheus and Icarus. The idea that we should remake nature in a humanist image strikes me as rather Promethean. It’s as if we have the technology of the gods and perfect moral knowledge, and so we ought to reach “down” as champions of critter-kind and rewrite nature in our image. However, a moral view which closes off possibilities for the future through the rewriting of nature and super-killing of entire species (Rolston 1995),

should give us pause. In our attempts to reach this supposed moral high ground, we pass many warning signs, acting with the hubris that we have *the* correct conception of value and that we may or ought to control everything. Perhaps we are more like Icarus, flying ever faster into the blinding white sunlight.

References

- Gustafson, Kent, and Jane Vachon. 2010. "More Harm Than Good: Thinking about feeding deer this winter? Think again." http://www.wildlife.state.nh.us/Newsroom/News_2004/News_2004_Q1/Dont_feed_deer_010504.htm
- Hargrove, Eugene. 1989. *Foundations of Environmental Ethics*. New York: Prentice Hall.
- Hobbes, Thomas. 2008. *Leviathan*. Forgotten Books.
- Jamieson, Dale and Elliot, Robert. 2009. "Progressive Consequentialism." *Philosophical Perspectives* 23: 241–251.
- Midgley, Mary. 1983. *Animals and Why They Matter*. Athens: University of Georgia Press.
- Nagel, Thomas. 1989. *The View from Nowhere*. New York: Oxford University Press.
- Palmer, Clare. 2010. *Animal Ethics in Context*. New York: Columbia University Press.
- Quintelier, Katinka, Linda Van Speybroeck, and Johan Braeckman. 2011. "Normative Ethics Does Not Need a Foundation: It Needs More Science." *Acta Biotheoretica* 59, 1: 29–51.

JOEL P. MACLELLAN

Rolston, Holmes, III. 1995. "Duties to Endangered Species." *Encyclopedia of Environmental Biology* 1: 517-528.

Singer, Peter. 1973. "Food for Thought, Reply to a letter by David Rosinger." *New York Review of Books* 20 (10).

Singer, Peter. 1975. *Animal Liberation: A New Ethics for Our Treatment of Animals*. New York: Random House.

Slote Michael and Pettit, Philip. 1984. "Satisficing Consequentialism." *Proceedings of the Aristotelian Society* 58: 139-163.

Teale, Edwin Way. 1987. *Circle of the Seasons*. New York: Dodd, Mead, and Company.

Tennyson, Lord Alfred. 1849. "In Memoriam A.H.H."